IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

JOHN M. WHATLEY §

VS. § CIVIL ACTION NO. 1:10-CV-315

FRANK COFFIN, ET AL. §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff John M. Whatley, a prisoner currently confined at the Wayne Scott Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *prose*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Frank Coffin, Raymond Shearer, Jeffrey Hancock and the City of Beaumont.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the case pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief may be granted. The magistrate judge also recommends that the court decline to exercise supplemental jurisdiction over the state law claims.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this the **22** day of **September**, **2011**.

Thad Heartfield

United States District Judge